



**Department of Energy**  
Washington, DC 20585

SEP 23 2019

Austin Evers  
American Oversight  
1030 15<sup>th</sup> Street, N.W.  
Suite B255  
Washington, DC 20005

Re: HQ-2019-00570-F

Dear Mr. Evers:

This is the final response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested:

All final talking points, decision memoranda, internal assessments, or email communications memorializing final decisions, containing any of the following key terms:

- a. "Marshall Plan"
- b. IP3
- c. "International Peace Power & Prosperity"
- d. Barrack
- e. "Iron Bridge"
- f. Ironbridge
- g. ACU
- h. "Colony Northstar"
- i. "Colony Capital"
- j. 123

American Oversight requests that the DOE search the files of the following custodians for records responsive to this request:

- i. The immediate Office of the Secretary:
  - a. Secretary Rick Perry and anyone corresponding on his behalf, such as executive assistants or schedulers; and
  - b. Any Chiefs of Staff and Deputy Chiefs of Staff, including anyone serving in these roles in an acting capacity.



- ii. The immediate Office of the Deputy Secretary of Energy:
  - a. Deputy Secretary Dan Brouillette and anyone corresponding on his behalf, such as executive assistants or schedulers; and
  - b. Any Chiefs of Staff and Deputy Chiefs of Staff, including anyone serving in these roles in an acting capacity.
- i. The immediate Office of the General Counsel:
  - a. Acting General Counsel Theodore J. Garrish;
  - b. Deputy General Counsel Eric J. Fygi;
  - c. Deputy General Counsel, Energy Policy, Mark Robeck;
  - d. Deputy General Counsel, Litigation, Regulation & Enforcement, George H. Fibbe;
  - e. Deputy General Counsel, Transactions, Technology & Contractor Human Resources, John T. Lucas; and
  - f. Deputy General Counsel, Environment & Compliance, G. Michael Brown.
- ii. The immediate Office of the Assistant Secretary for Nuclear Energy:
  - a. Anyone serving in the role of Assistant Secretary for Nuclear Energy;
  - b. Principal Deputy Assistant Secretary for Nuclear Energy Edward McGinnis;
  - c. Associate Deputy Assistant Secretary for International Nuclear Energy Policy and Cooperation Sarah Lennon;
  - d. Deputy Assistant Secretary for Reactor Fleet and Advanced Reactor Development Shane Johnson;
  - e. Deputy Assistant Secretary for Nuclear Fuel Cycle and Supply Change John Herczeg;
  - f. Deputy Assistant Secretary for Nuclear Infrastructure Programs Tracey Bishop; and
  - g. Acting Deputy Assistant Secretary, Office of Spent Fuel & Waste Disposition William J. Boyle.

Please provide all responsive records from January 20, 2017, through the date the search is conducted.

Then, on April 12, 2019, you agreed to the following amendment:

American Oversight requests that the DOE search the files of the following custodians for records responsive to this request:

- i. The immediate Office of the Secretary:
  - a. Secretary Rick Perry and anyone corresponding on his behalf, such as executive assistants or schedulers; and
  - b. Any Chiefs of Staff and Deputy Chiefs of Staff, including anyone serving in these roles in an acting capacity.
- ii. The immediate Office of the Deputy Secretary of Energy:
  - a. Deputy Secretary Dan Brouillette and anyone corresponding on his behalf, such as executive assistants or schedulers; and
  - b. Any Chiefs of Staff and Deputy Chiefs of Staff, including anyone serving in these roles in an acting capacity.
- i. The immediate Office of the General Counsel:
  - a. Acting General Counsel Theodore J. Garrish;
  - b. Deputy General Counsel Eric J. Fygi;
  - c. Deputy General Counsel, Energy Policy, Mark Robeck;
  - d. Deputy General Counsel, Litigation, Regulation & Enforcement, George H. Fibbe;
  - e. Deputy General Counsel, Transactions, Technology & Contractor Human Resources, John T. Lucas; and
  - f. Deputy General Counsel, Environment & Compliance, G. Michael Brown.
- ii. The immediate Office of the Assistant Secretary for Nuclear Energy:
  - a. Anyone serving in the role of Assistant Secretary for Nuclear Energy;
  - b. Principal Deputy Assistant Secretary for Nuclear Energy Edward McGinnis;
  - c. Associate Deputy Assistant Secretary for International Nuclear Energy Policy and Cooperation Sarah Lennon;
  - d. Deputy Assistant Secretary for Reactor Fleet and Advanced Reactor Development Shane Johnson;
  - e. Deputy Assistant Secretary for Nuclear Fuel Cycle and Supply Change John Herczeg;
  - f. Deputy Assistant Secretary for Nuclear Infrastructure Programs Tracey Bishop; and
  - g. Acting Deputy Assistant Secretary, Office of Spent Fuel & Waste Disposition William J. Boyle.

And, on June 6, 2019, you agreed to a second amendment to your request, as follows:

This request will be answered and closed based off of manual searches of information not associated with email communications. All responsive email communications will be represented within the responsive documents of your request HQ-2019-00572-F.

Your request was assigned to DOE's Office of the General Counsel (GC), Office of the Executive Secretariat (ES), and Office of Nuclear Energy (NE) to conduct a search of their files for responsive documents. DOE started its search on May 21, 2019, which is the cut-off date for responsive documents. DOE completed its search but did not locate any documents responsive to your request.

Therefore, pursuant to Title 10, Code of Federal Regulations (C.F.R.) § 1004.4(d), I am unable to provide any responsive documents to your request for GC, ES, or NE. Pursuant to 10 C.F.R. § 1004.7(b)(2), I am responsible for the determination that no responsive records exist in GC, ES, or NE.

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L'Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. (This is the method preferred by the Office of Hearings and Appeals.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

You may contact DOE's FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at 202-586-5955, or by mail at MA-46/Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

The FOIA provides for the assessment of fees for the processing of requests. See 5 U.S.C. § 552(a)(4)(A)(i); *see also* 10 C.F.R. § 1004.9(a). In our March 20, 2019, letter, you were

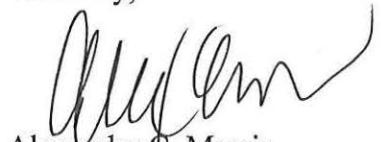
informed that you had been categorized under the DOE regulation that implements the FOIA at Title 10, Code of Federal Regulations (CPR), Section 1004.9(b)(4), as an "other" requestor., and that requestors in this category are provided two free hours of search time and 100 pages at no cost. Additionally, your request for a waiver of fees was granted. Thus, no fees will be charged for processing your request.

If you have any questions about the processing of the request or this letter, you may contact Mr. Craig Greenberg, or myself, at:

MA-46/Forrestal Building  
1000 Independence Avenue, S.W.,  
Washington, D.C. 20585  
(202) 586-7504

I appreciate the opportunity to assist you with this matter,

Sincerely,



Alexander C. Morris  
FOIA Officer  
Office of Public Information